

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -APRIL 6, 2010- -7:00 P.M.

Mayor Johnson convened the meeting at 7:18 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore, Matarrese, Tam and Mayor Johnson – 5.

Absent: None.

AGENDA CHANGES

None

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(10-134) Proclamation Declaring April 17 as Earth Day Alameda 2010.

Mayor Johnson read and presented the proclamation to the Public Works Coordinator.

The Public Works Coordinator stated this year, Earth Day will have a Film Festival; the Recreation and Park Department will be having a sculpture contest.

(10-135) Proclamation Declaring April as Fair Housing Month.

Mayor Johnson read and presented the proclamation to Angie Watson-Hajjem, ECHO Housing.

Ms. Watson-Hajjem stated ECHO Housing has been serving Alameda since 2008; Alameda has made progress in opening doors and providing housing access; that she appreciates the partnership between the City and ECHO Housing.

(10-136) Alameda Unified School District Parcel Tax Update.

Carla Greathouse, Chair of A+, gave a Power Point presentation.

CONSENT CALENDAR

Mayor Johnson announced that the First Amendment to the Contract with Ninyo & Moore [paragraph no. 10-142] was removed from the Consent Calendar for discussion.

Councilmember Tam moved approval of the remainder of the Consent Calendar.

Vice Mayor deHaan seconded the motion, which carried by unanimous voice vote – 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*10-137) Minutes of the Regular City Council Meeting held on March 16, 2010. Approved.

(*10-138) Ratified bills in the amount of \$2,746,491.75.

(*10-139) Recommendation to Adopt Plans and Specifications and Authorize a Call for Bids for the Alameda Point Multi-Use Field Upgrades, No. P.W. 04-09-11. Accepted.

(*10-140) Recommendation to Award a Contract in the Amount of \$1,499,600, Including Contingencies, to Sausal Construction for the Neighborhood Library Improvement Project, No. P. W. 10-09-29. Accepted.

(*10-141) Recommendation to Award a Contract in the Amount of \$97,978, Including Contingencies, to Schaaf & Wheeler Civil Engineers, for Design and Preparation of Plans and Specifications for the Upgrades to the Northside Storm Drain Pump Station, No. P.W. 02-10-06. Accepted.

(10-142) Recommendation to Approve First Amendment to the Contract in the Amount of \$24,315, Including Contingencies, to Ninyo & Moore, for Geotechnical Support, Materials Testing, and Environmental Services for the Webster Street/Wilver "Willie" Stargell Avenue Intersection Project, No. P.W. 10-08-26.

Councilmember Tam stated costs ended up being 33% more than budgeted due to unforeseen conditions, such as underground fixtures from the former Naval base and drive-in theater and unsuitable sub-grade and multiple subsurface pavement layers; inquired whether said conditions would be typical for the area.

The City Engineer responded Webster Street has two sub-layers; stated the Alameda College area had a drive-in theater; abandoned utility lines were found; Ninyo & Moore checked the compaction of the soil; some of the soil was lime treated, which eliminated a lot of the excavation costs; construction was expedited on the Stargell Avenue portion of the project; Naval properties would have a larger magnitude of unforeseen conditions than the rest of the City.

Councilmember Tam inquired whether the Sewer Fund loan is starting to be paid back, to which the City Engineer responded the loan would start to be paid back in June.

Councilmember Tam moved approval of the staff recommendation.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote – 5.

(*10-143) Recommendation to Approve a Letter of Understanding Between the International Association of Firefighters and the City of Alameda on the Fire Investigation Program and Not Filling the Assistant Fire Marshall Assignment.

Accepted.

(*10-144) Resolution No. 14433, "In Support of SB 1068; and Recommendation to Authorize the Mayor to Convey the City's Support for the Bill to Senator Hancock, and Modify the City's Adopted Legislative Program to Include a Policy on Business Development." Adopted.

(*10-145). Ordinance No. 3016, "Amending Sections 30-37.6 of the Alameda Municipal Code Related to Design Review Approval Expiration and Extension." Finally passed.

CITY MANAGER COMMUNICATIONS

(10-146) Civic Center Plan – May "Open House"

The Interim City Manager gave a brief presentation.

Vice Mayor deHaan stated that he is concerned with the financial overview; inquired when the financial overview would come to Council, to which the Interim City Manager responded that she is aiming for July.

Councilmember Tam requested a comparison of other vision processes and costs.

The Interim City Manager stated the Civic Center Plan cost is \$55,000; the North of Lincoln visioning cost was \$75,000.

The Economic Development Director stated the North of Lincoln visioning cost also included the form-based code; that she does not know the cost was for the Downtown Visioning Plan; approximately \$30,000 was spent on a conceptual plan for Webster Street.

Councilmember Tam inquired how much public outreach was done for the North of Lincoln project versus the Civic Center.

The Economic Development Director responded the projects are different animals; stated the North of Lincoln area experienced a different economic change; losing the car dealership changed the street forever; a lot of detailed thought went into how to guide new development; some visioning was done to see what the sites could contain and what the massing would look like; a lot of time was spent with business associations, property owners, and interested people on the form based code; people were provided with an opportunity to review concepts and provide comments.

Councilmember Tam inquired what would be the interplay given the proximity of the vision plans.

The Interim City Manager responded the North of Lincoln Plan did not focus on the Civic Center; stated the Civic Center Plan took information from the North of Lincoln Plan and

interconnected the two plans to prevent the same uses; the geographical cut out has been expanded.

The Deputy City Manager – Development Services stated a similar [to the North of Lincoln Plan] in-house design workshop was held [for the Civic Center Plan]; stakeholders were invited; an open house outreach was held in May; focus groups were held in addition to the workshop.

Vice Mayor deHaan stated the downtown visioning had many elements; staff is solidifying and updating thoughts that have already been in place; the process has been ongoing.

(10-147) Park Master Plan/Urban Greening Plan

The Interim City Manager and Recreation and Parks Director gave a Power Point presentation.

Mayor Johnson inquired whether the [recent] tree survey includes parks.

The Recreation and Park Director responded the survey includes street trees; stated a comprehensive inventory has been completed for three parks.

Mayor Johnson stated Council gave direction to expand the survey.

The Interim City Manager stated staff went to public facilities and parks to evaluate a tree program and then other issues came up; park management and the Master Plan need to be reviewed, including trees.

Mayor Johnson stated the health of the trees should be assessed.

The Recreation and Park Director stated staff monitors the health of the trees.

Mayor Johnson stated trees falling should be avoided; every tree needs to be assessed.

The Recreation and Park Director continued the presentation.

Vice Mayor deHaan stated money has been set aside for periodic maintenance; inquired how much has been set aside in the last ten years; stated getting to some of the hardcore items has been difficult.

The Recreation and Park Director responded most of the money has been going toward routine maintenance; capital has been limited.

The Interim City Manager stated an amount is not dedicated each year; a Master Plan for a city the size of Alameda would cost approximately \$140,000 and include a needs assessment, a tree plan and facility evaluation; a comprehensive Master Plan is needed

to calculate a good impact fee for future development; a policy decision needs to be made on how much money should be dedicated; that she does not want to run the risk of needing to close parks until money is available for repair or replacement.

The Interim City Manager continued the presentation.

Mayor Johnson inquired whether the Park Master Plan would come back in June, to which the Interim City Manager responded the matter would come back with the budget.

Mayor Johnson stated the plan is good and would provide understanding of the need for ongoing maintenance and upkeep; making a [funding] commitment would be easier with a plan; funding was not made available even in good times ten to fifteen years ago.

Vice Mayor deHaan stated rebates and credits are available; [replacing] lighting and irrigation could have major paybacks.

Councilmember Tam stated a developer usually dedicates [park] land; inquired how land dedication is factored into impact fees or in lieu of fees.

The Interim City Manager responded the scale of the project is reviewed; under the Quimby Act, a developer can give a park a dollar-to-dollar basis; an evaluation is made on what the land and park are worth; most developers are willing to provide turn key parks because parks are a value to the developer and help sell houses; under impact fee, the amount is negotiated; impact fee legislation prohibits overbuilding in one criteria and under building in another; both options are offered.

Councilmember Tam stated sometimes impact fees require a Nexus Study.

The Interim City Manager stated a Master Plan is needed before a Nexus Study; impact fees cannot pay for past deficiencies and park maintenance, only new things.

In response to Councilmember Gilmore's inquiry, the Interim City Manager stated Nexus Study analysis is based on what Council approves from a policy standpoint; the Boatworks example of 225 [homes] adds 5% to 10% towards General Plan build out, but a subdivision of 10,000 homes reaches build out faster.

Councilmember Gilmore inquired whether owners only choice would be to write a check.

The Interim City Manager responded 90% of developers provide a turn key park; stated owners usually write a check for impact fees; the last project that reaches build out ends up having to build the facility and usually a Mello Roos is included.

Vice Mayor deHaan stated impact fees can only be for support of a development; the community would need to pay for something over and above.

The Interim City Manager stated the developer, through negotiations, could chose to build something; having facilities are wonderful, but maintenance is needed; a lot of creative solutions are coming forward; park and field maintenance could be done by a non-profit but the responsibility for calendaring and scheduling would remain with the City; staff is looking forward to bringing some solutions to Council in the spring; grant opportunities are limited without a Master Plan, the Urban Greening Plan grant is \$250,000 can be used for a Master Plan; the City needs to have master plans that have a greening eco sustainable approach.

Mayor Johnson stated impact fees are legal requirements if in place; negotiations are a whole different thing; the City would look for bells and whistles at the former Navy base through negotiations.

Speaker: Dorothy Freeman, Estuary Park Action Committee.

Vice Mayor deHaan stated the City is now the proud owner of the Beltline property; that he hopes the visioning process will be similar to the Estuary Park/Northern Waterfront Park; the matter was addressed almost a year ago and should be included.

Councilmember Gilmore stated hopefully, money would be appropriated for the Master Plan in the next budget; many of the slides shown tonight deal with existing park needs; inquired whether the Master Plan would include proposed parks and if so, what would be the level of detail.

The Interim City Manager responded the detail would not be at a level of architectural design but would include location, use, an analysis of projected build out, a needs assessment, and reuse of old parks; homework has been done to get the RFP ready; staff would come back with the scope of work.

Councilmember Matarrese stated a scope is needed to find out what are the deliverables; Council gave direction to set up a community process to define what the Beltline would look like; that he sees a parallel to the Master Plan; direction has already been given to go forward regardless of when the Master Plan is finished; requested that staff research the matter.

The Interim City Manager stated the City already has the [Beltline] site and needs to decide what to put on the site.

Vice Mayor deHaan stated the Estuary Park/Northern Waterfront Park should be included [in the Master Plan], too.

Councilmember Tam inquired whether the scope would include: 1) some broad concepts based upon demographics and changes within the City as a whole, 2) land and facilities owned by the City or those recently acquired, such as the Beltline, 3) privately owned land that the City might acquire, and 4) park lands controlled, operated, and maintained by the East Bay Regional Park District, including trails around the

Island.

The Interim City Manager responded said scope would include components that the consultant would study; stated the consultant may recommend additional parks or facilities that the City should think about in the future; the General Plan was done prior to the Density Bonus Ordinance.

Vice Mayor deHaan inquired whether the Miracle League would be included, to which the Interim City Manager responded in the affirmative.

REGULAR AGENDA ITEMS

(10-148) Recommendation to Accept Financial Report for Second Fiscal Quarter.

The Interim City Manager gave a presentation.

Councilmember Tam stated major juggling has been done with refinancing and cuts; the property transfer tax fund designated as "32200 Property Transfer Tax" under "General Fund Revenue by Source" shows \$3,250,000 budgeted but \$3,650,000 is projected; inquired whether the amount would have been cut in half without Measure P passing; stated Measure P funds are not restricted; the City has the discretion to use the funds for vital City services such as Police and Fire; inquired where Measure P funds are spent.

The Interim City Manager responded the \$3,250,000 would be down to \$2,200,000 without the new rate; stated there is a nexus between property taxes and property transfer taxes; homes are being sold for less than pre-October [2008]; property tax is up because the formula increased; in the past, property tax increased by 2% to 5% [annually]; the City had were more short sales in the last six months than the prior year; comparing the property tax change pre and post Measure P would be good; Measure P funds are used to support the General Fund; 80% of every dollar in the General Fund is used for public safety, libraries, and recreation and parks; under State law, General Fund revenue cannot be an earmarked revenue source absent a special tax; the market was different when Measure P passed; housing was selling more; \$3,650,000 is not bad considering the housing market.

Vice Mayor deHaan stated this year's budget was put together under a different process and cost center; inquired whether there have been benefits.

The Interim City Manager responded that she thinks so; stated program costs are more understandable; Finance is able to cost control and manage and oversee the budget in a more detailed fashion.

Vice Mayor deHaan agreed cost centers are well serving their purpose.

The Interim City Manager stated the conversion took a lot of work; budget preparation

should be easier this year.

Councilmember Gilmore stated a lot of work went into the budget preparation using a very old, antiquated computer system; inquired whether transferring the format over to a new system would be difficult.

The Interim City Manager responded the phone system cost savings would be used to upgrade the computer system; stated staff is moving forward with outsourcing parking citations; staff will propose eliminating the existing business license module and add a module for permit processing; Fiscal Sustainability Committee Member, Lorre Zuppan, introduced staff to an adaptive planning system which is Excel driven.

The Deputy City Manager – Administrative Services stated Washington County uses the system.

The Interim City Manager stated using the adaptive planning system would cost \$14,000 versus \$250,000 for each new module; the only thing left would be the General Ledger that would be converted in Fiscal Year 2011-2012; Public Works can also use the adaptive planning system.

Councilmember Tam moved approval of the staff recommendation.

Vice Mayor deHaan seconded the motion, which carried by unanimous voice vote – 5.

ORAL COMMUNICATIONS, NON-AGENDA

(10-149) James Wullschlegor, Alameda, discussed parking regulations related to motor homes.

Mayor Johnson inquired whether Mr. Wullschlegor's motor home was cited on his property or the street, to which Mr. Wullschlegor responded the street.

Mayor Johnson stated the City wants to restrict motor home street parking; people have commented that it would be helpful to have a permit to allow owners a certain number of hours to load up motor homes.

Mr. Wullschlegor stated people do not need another vehicle if a motor home can be used for transportation; that he has tried to sell the motor home for two years; he should not be forced to own another vehicle.

Vice Mayor deHaan inquired whether Mr. Wullschlegor sent an email regarding the matter, to which Mr. Wullschlegor responded in the negative.

Vice Mayor deHaan inquired what is the size of the motor home, to which Mr. Wullschlegor responded twenty feet.

COUNCIL REFERRALS

(10-150) Consider Pursing the Establishment of a Task Group to Promote, Market and Support Businesses, Educational and Technology Resource Opportunities.

Vice Mayor deHaan stated the Alameda Education, Technology, and Business Consortium was established in 1997; the City has economic development opportunities, such as America's Cup and Google Wireless; an effort needs to be made to bring a marriage between education, technology, and business at Alameda Point; the College of Alameda, California State University East Bay, and University of California, Berkeley were involved; the Chamber of Commerce's Silicon Island was a marketing effort to gain high technology business in Alameda; the Bureau of Electricity [Alameda Municipal Power] designated the City as an Electric City; that he does not want to start a task group but would love to see a business consortium to promote business, school, and technology resource opportunities; Wind River was bought by Intel and will be Intel's future centerpiece; Alameda Point businesses want to come together and look at business opportunities to promote business, education and market assets.

Councilmember Tam stated that she recalls a business incubator when former Councilmember Daysog was on the Council; inquired whether Vice Mayor deHaan's referral is similar; stated that she thought the business incubator did not get enough traction because the effort did not have enough business momentum.

Former Councilmember Daysog responded Silicon Island was developed and two job fairs were held in the late 1990's; the City had an Economic Development Corporation, which tried to bring Trader Joe's to town in the late 1980's and 1990's.

Vice Mayor deHaan stated his referral is similar; the Chamber of Commerce wants to move forward with more proactive marketing; businesses need to get together; there are opportunities throughout Alameda.

Councilmember Tam stated the City had an Economic Development Corporation and now has an Economic Development Commission (EDC); former Economic Development Commissioner, Donna Milgram, spoke about specific ways to outreach businesses; inquired what the EDC could do to help promote what Vice Mayor deHaan is suggesting.

Vice Mayor deHaan responded the EDC could be the centerpiece; stated businesses could be the real catalysts.

Councilmember Matarrese stated that he supports the concept; the EDC's role could be review how a local development corporation could be tasked with the mission of building a business consortium similar to the Advancing California's Emerging Technologies (ACET) model to allow private sector participation.

Vice Mayor deHaan stated Councilmember Matarrese was involved with the greenbelt

corridor, which is regional; Alameda could be a feeder; Electric City promoted converting everything to electric.

Councilmember Gilmore stated that she is struggling with the basic concept; the City has the EDC and business associations to outreach to businesses; however, the educational component is lacking; that she is not sure what the City is being asked to do that the EDC and business associations cannot do, with the exception of the educational component.

Vice Mayor deHaan stated business associations look after individual entrepreneurs; that he wants to look at bigger entities, such as Abbot Labs, that have more technology to offer; that wants to see how the educational component can be linked to the University of California, Berkeley; provided a handout to Council.

Mayor Johnson stated the EDC just gave a presentation [to Council]; suggested that the matter be sent to the EDC and include educational and private sector components; stated the scope should be broadened; the Council Referral is very similar to what the EDC does; the EDC should be given the opportunity to review the matter and might suggest that something else be done.

Councilmember Gilmore stated that she supports sending the matter to the EDC with direction to incorporate a broader educational component and technology feeders.

Vice Mayor deHaan stated a wind power group is at the former Navy base; everything should be packaged; everyone [businesses] will sign up.

Councilmember Matarrese stated that he would like the EDC to come back to Council with a recommendation about what action would fulfill the goal of establishing a business consortium to promote, market, and support the many business, educational and technology resources in the City.

The Interim City Manager stated that she would look at the core documents, particularly the Alameda Education, Technology, and Business Consortium; the documents could be offered to the EDC.

Vice Mayor deHaan stated the Alameda Education, Technology, and Business Consortium was a non-profit.

Vice Mayor deHaan moved approval of sending the matter to the Economic Development Commission, with the caveats discussed.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote – 5.

(10-151) Consider, Discuss and Act on the Webster Street Business District Planning and Revitalization.

Councilmember Matarrese stated there has been a lot of progress on Webster Street, but there is still a need for a catalyst project, filling empty store fronts, and creating a buzz around Webster Street similar to the catalyst project on Park Street; moving in a uniform front across the City is important in order to be ready when the economy starts to recover; that he would like Council to consider giving direction to move in a uniform front and include that any revitalization plans start with an upfront planning process built on relevant, existing documents; Park Street had foundation with the Economic Development Strategic Plan and Downtown Vision Plan; that he would like to see the same approach applied to the Webster Street Business District; the matter should be included in budgeting discussions.

Speakers: Christopher Buckley, Alameda resident and West Alameda Business Association (WABA) Design Committee; former Councilmember Tony Daysog, Alameda; and Kathy Moehring, WABA.

Councilmember Matarrese stated that he purposefully put in the comment: “relevant to existing planning documents;” the City has a West Alameda Neighborhood Plan, Stargell Avenue extension and streetscape, and an Economic Development Strategic Plan; a lot of building blocks make the foundation for the exercise; Webster Street is waiting for implementation of a catalyst project; the intention is to get from plans to implementation.

Vice Mayor deHaan stated Council wanted to set aside \$5 million [in redevelopment funds] for Webster Street; the money was not there; there was no revenue stream; the West End deserves to move forward.

Councilmember Tam stated there seems to be a planning paralysis; everyone is anxious to implement something but nobody seems to find a way to get things going; that she is wondering whether a grand effort to stitch all the plans together will get catalyst projects; that she is not grasping how the plan can take shape.

The Interim City Manager stated the idea is to go beyond landscaping and lighting plans; taking the next step of implementation is necessary; stakeholders have to be involved in shaping their own neighborhoods and businesses first; the core documents available for Park Street are not the same documents available for Webster Street; plans need to be stitched together; the private sector is not going to chase the idea if the City, through the redevelopment agency, does not.

Councilmember Gilmore stated the City needs to move forward on Webster Street as soon as possible; the Interim City Manager has stated everyone needs to do more with less; the reality of the situation is that the City cannot move forward all at once with all the good ideas; a work plan is needed for all priorities for the next six months, year, or whatever the period of time is determined; that she proposes to start discussions and prioritize the work plan; public discussions are needed so that everyone is on the same page; new ideas could be added to the cue; sometimes Council gets distracted with

new projects and old projects do not get finished; sometimes taking ones eyes off the ball is the issue, not funds; priorities need to be set.

Mayor Johnson stated that she concurs with Councilmember Gilmore; now is a good time for planning.

Councilmember Gilmore stated Webster Street should be on the project list; a complete list is needed for community input.

Mayor Johnson stated there are not a lot of projects going on now.

Councilmember Gilmore stated the City should be the catalyst.

Mayor Johnson inquired whether staff could take on the work.

The Interim City Manager responded staff needs to concentrate on Webster Street in order to move ahead with a comprehensive, Citywide economic development approach; the budget should be adopted in June; the budget workshop on June 19th would be a good time to set priorities; Management Partners did an assessment involving Council priorities and values.

Mayor Johnson stated all plans should be put together; there are many reasons why things have not been implemented; since the 1950's, plans to improve Park Street were developed every ten years and nothing ever happened; now is a good time to look at plans more broadly and strategically and with a real goal of implementation.

Councilmember Gilmore stated that she concurs with Mayor Johnson; projects need to be strategically planned out and prioritized so they do not get lost in the shuffle.

Councilmember Matarrese stated that he feels optimistic about the next level of planning reaching implementation.

Vice Mayor deHaan stated the 2004 economic plan for Webster Street spelled out catalyst projects; Alameda Landing, which was going to be a salvation for Webster Street, did not happen.

Former Councilmember Daysog stated a lot of great things are happening on Webster Street largely because of the work of the Economic Development Department; now, it is just a matter of tying up everything.

Councilmember Matarrese moved approval of giving direction to the Interim City Manager to prioritize a public planning process, built on relevant existing planning documents for revitalization of the Webster Street Business District, ensuring that existing planning documents be taken into account, that the planning process includes up-front public participation and there is a budget for the process.

Vice Mayor deHaan seconded the motion, which carried by unanimous voice vote – 5.

COUNCIL COMMUNICATIONS

(10-152) Mayor Johnson inquired whether temporary Recreational Vehicle (RV) parking permits should be brought back as a Council Referral or if it is something that the Police Department could review.

The Interim City Manager responded a status report could be provided at the next Council meeting.

Mayor Johnson stated people want to park on the street to load up motor homes; San Leandro provides a permit for [short term] parking.

Councilmember Matarrese stated that the speaker was issued a ticket and a boat has been stuck at the end of Grand Street for months; the City has an ordinance because junk is being parked on the streets.

The Deputy City Manager – Administrative Services stated the ordinance has several pieces; vehicles have to be moved a mile every 72 hours; boat trailer and RV parking is prohibited on streets.

Mayor Johnson stated that she does not think having a permit process for loading an RV would be unreasonable.

Vice Mayor deHaan stated the speaker said his RV is 20 feet, which is a little bigger than a car and is his sole vehicle.

Mayor Johnson stated the question is how an RV is defined.

(10-153) Vice Mayor deHaan stated Alameda County Supervisor Alice Lai-Bitker made a presentation at the Yacht Club; the topic was manning and raising bridges; manning the bridges from 9:00 a.m. to 4:30 p.m. is proposed, which would be one shift; four hours would be needed to respond to a request outside the timeframe [when bridges are staffed]; the Coast Guard is initiating the effort, not the County.

Councilmember Tam stated that she was at the presentation; the shifts would be fully manned from 9:30 a.m. to 4:30 p.m.; after 4:30 p.m. would require on demand service; the proposal would be from the Coast Guard because the Coast Guard is not under any obligation to hold public hearings; Supervisor Lai-Bitker felt there is an opportunity to make sure those most affected would have the ability to comment and provide feedback; the matter was published in the Federal Register on March 31st; the comment period is open for 90 days.

Mayor Johnson stated when she met with the Coast Guard, the idea was to man two shifts and provide on demand service overnight; having two shifts on demand seems

more problematic; questioned the cost effectiveness of paying someone on call.

Vice Mayor deHaan stated data shows that most bridges are raised three times per day.

The Interim City Manager stated there the proposal last October was the result of previous discussions regarding closing the bridges; that she does not recall four hour [on call response] being mentioned; questioned who would pay to have the bridges opened.

Councilmember Tam responded the County would pay for the staffing; stated the County is trying to save \$695,000 by looking at some type of compromise.

Mayor Johnson stated statistics show an industrial user would occasionally need on demand service at the High Street Bridge; that she does not know the statistics from 4:30 p.m. to 10:00 p.m. or 11:00 p.m.

The Interim City Manager inquired whether Council would like staff to prepare a City response during the comment period.

Vice Mayor deHaan responded that he would like a response; stated that his concern is whether the City has been engaged in the conversation.

Mayor Johnson inquired when the Federal Register published the proposal, to which the Interim City Manager responded March 31st.

Mayor Johnson stated the proposal is a good thing to consider; right now, the County is staffing the bridges twenty-four hours a day, seven days per week; the County has budget issues; the first solution was to close the bridges; that she does not think on demand service would be something that the City could not overcome; it seems like the County would pay more in call back time.

Councilmember Tam suggested that the Interim City Manager and Public Works Director meet with the County Public Works Director; stated the County has all the data and did an analysis of the call back time; the Fruitvale Bridge is the only bridge that receives public subsidies; there may be some opportunity to man the bridge twenty-four, seven and coordinate with the other bridges if there is a case that can be made for Homeland Security.

The Interim City Manager stated that she would follow up on the matter; inquired whether Council wants to respond during the comment period.

Mayor Johnson stated a meeting should be set before responding.

Vice Mayor deHaan stated Homeland Security is another concern.

ADJOURNMENT

(10-154) Councilmember Matarrese stated that former Councilmember George Beckam passed away in the middle of March; requested that the meeting be adjourned in his memory.

Vice Mayor deHaan stated that former Councilmember Beckam was voted into office under Measure A and received the State's first Engineering Certificate.

There being no further business, Mayor Johnson adjourned the meeting in memory of former Councilmember Beckam at 10:34 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -APRIL 6, 2010- -6:00 P.M.

Mayor Johnson convened the meeting at 6:10 p.m.

Roll Call – Present: Councilmembers deHaan, Gilmore, Matarrese, Tam and Mayor Johnson – 5.

Absent: None.

The meeting was adjourned to Closed Session to consider:

(10-130) Conference with Labor Negotiators; Agency negotiators: Interim City Manager and Human Resources Director; Employee organization: International Association of Fire Fighters

(10-131) Conference with Legal Counsel – Existing Litigation; Name of Case: Alameda Gateway Ltd. v. City of Alameda

Following the Closed Session, the meeting was reconvened and Mayor Johnson announced that regarding International Association of Fire Fighters (IAFF), the Interim City Manager provided a report on the status of negotiations with IAFF; and regarding Existing Litigation, the City Attorney provided a status report on the Alameda Gateway litigation, the City Council provided direction on litigation strategy, no action was taken.

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Mayor Johnson called a recess at 7:10 p.m. and reconvened the meeting at 11:25 p.m.

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The meeting was adjourned to Closed Session to consider:

(10-132) Conference with Labor Negotiators; Agency negotiators: Interim City Manager; Employee organization: Executive Management

(10-133) Public Employment; Title: City Manager

Following the Closed Session, the meeting was reconvened and Mayor Johnson announced that regarding Executive Management, the City Council received a briefing from the Interim City Manager regarding the status of negotiations with the Executive Management, no action was taken; and regarding Public Employment, the Interim City Manager provided status on her existing employment contract and requested consideration of modifying her health insurance benefits; Council requested an amendment be brought back for consideration at the next meeting.

Adjournment

There being no further business, Mayor Johnson adjourned the meeting at 12:00 a.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL, ALAMEDA REUSE AND
REDEVELOPMENT AUTHORITY (ARRA), AND COMMUNITY
IMPROVEMENT COMMISSION (CIC) MEETING
TUESDAY- -APRIL 6, 2010- -7:01 P.M.

Mayor/Chair Johnson convened the meeting at 10:35 p.m.

ROLL CALL -

Present: Councilmembers / Board Members /
Commissioners deHaan, Gilmore, Matarrese, Tam
and Mayor/Chair Johnson – 5.

Absent: None.

CONSENT CALENDAR

Councilmember/Board Member/Commissioner Gilmore moved approval of the Consent Calendar.

Councilmember/Board Member/Commissioner Tam seconded the motion, which carried by unanimous voice vote – 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*10-155 CC/ARRA/*10-15 CIC) Minutes of the Regular ARRA Meeting of March 3, 2010; and the Special Joint City Council, ARRA and CIC Meetings of March 16, 2010. Approved.

(ARRA) Recommendation to Approve a Waiver of License Fees for Pacific Skyline Council, BSA Sea Scouts, Ancient Mariner Regatta. Accepted.

CITY MANAGER/EXECUTIVE DIRECTOR COMMUNICATION

(*10-156 CC/ARRA/10-16 CIC) Update on SunCal

The Interim City Manager/Executive Director and Deputy City Manager – Development Services gave a brief presentation.

In response to Mayor/Chair Johnson's inquiry about what is meant by negotiating a Disposition and Development Agreement (DDA) based on prior efforts, the Deputy City Manager – Development Services stated the City was in negotiations with SunCal on the DDA based on the plan proposed in the initiative; negotiations stopped when the initiative failed; until the City has a pro forma and defined project description, the City cannot negotiate on aspects of the DDA; aspects of the DDA, including transfer

provisions, force majeure, and term, can be negotiated without knowing the actual financial deal or project description.

Mayor/Chair Johnson inquired whether staff is waiting on the pro forma; further inquired whether SunCal is working on the pro forma.

The Deputy City Manager – Development Services responded staff is waiting and has requested the pro forma.

Mayor/Chair Johnson inquired whether there is a time frame when the document will be provided, to which the Deputy City Manager – Development Services responded staff has not been given a specific time frame for when the information will be provided.

Vice Mayor/Board Member/Commissioner deHaan inquired when the Exclusive Negotiation Agreement (ENA) expires, to which the Deputy City Manager – Development Services responded July 20.

Vice Mayor/Board Member/Commissioner deHaan stated the time line does not seem adequate to put things in proper perspective; a whole lot of work has not been presented to staff for analysis; it [the document submitted by SunCal] seems very incomplete and does not appear close to an “A” paper.

The Deputy City Manager – Development Services stated staff would be meeting with SunCal on Thursday and would be requesting information.

Vice Mayor/Board Member/Commissioner deHaan provided a handout; stated when the City started negotiating with SunCal, the Preliminary Development Concept (PDC) was used as the baseline to make determinations regarding the number of residences, commercial use and various land use issues; the handout breaks down the PDC, the Measure B Specific Plan that was voted down [February 2, 2010], and the modified Optional Entitlement Application (OEA); the OEA could generate more residential units than the Measure B Specific Plan because of the Density Bonus, which was not requested in the [Measure B] Specific Plan; that he compared the PDC and the residential project grew 144% under the modified OEA; the PDC included 2,116 residential units; the maximum SunCal could have [under the modified OEA] is 5,162, which is a substantial growth; in the commercial area, 3.4 million [square feet in the PDC] has been moved up to 4.6 million square feet [in the modified OEA], which is a 34% increase according to his figures; questioned whether the [modified OEA] path is repeating the [Measure B] Specific Plan, which is not what the City requested; further stated even though the modified OEA is going to be Measure A compliant, the project is incompatible with the 2006 PDC; the direction seems bizarre and out of line with what the voters voted against; everything goes up; there are more houses than the [Measure

B] Specific Plan; the details of the plan are so important at this stage; there are only a couple of months to put the project together, which is a concern.

The Deputy City Manager – Development Services stated staff would review the comparison [submitted by Vice Mayor/Board Member/Commissioner deHaan].

The Interim City Manager/Executive Director stated there has been a lot of discussion around the issue of transparency and disclosure; sharing information in a public forum is not necessarily standard operating practice; the Alameda Point project is not normal for Alameda; the City is trying to come up with the mechanism and type of reporting out that can be done regularly [at City Council meetings] every two weeks; stated that she would read a letter that she would send tomorrow as a follow up to Frank Faye's presentation on March 16.

Councilmember/Board Member/Commissioner Matarrese inquired whether the offer constitutes a proposed change to the current ENA; stated that he believes the Council voted on whether SunCal was willing to change the restrictions in the ENA regarding what is proprietary; nothing is different unless a modified ENA is presented to Council.

The Interim City Manager/Executive Director responded the letter asks for additional clarification to provide the City with a clear understanding of what SunCal is willing to release; stated [Mr. Faye's] comments last time in the public forum indicated that SunCal wants to release information, but has caveats regarding proprietary information in terms of competition, which is a legitimate request; there are still questions about pro forma information; the pro forma includes a proprietary model; more information is needed in order to proceed with an amendment to the ENA; submitted and read the letter for the record; stated the last paragraph focuses on discussions regarding documenting predevelopment costs; the City is following up in writing on other requests, which are more complicated and comprehensive than just the details between D.E. Shaw and SunCal and the proprietary models used to calculate their pro forma; the City does not want to take the risk and assume everything else is transparent; listing what should not be disclosed might be easier; staff is trying to narrow down what transparency means; now that the OEA is moving forward, the City will look at new pro forma, which will have certain assumptions on Return on Investment; the City does not want to assume SunCal is willing to put the information in the public forum.

Councilmember/Board Member/Commissioner Gilmore stated assuming SunCal comes forward with a pro forma and says it is disclosable, inquired whether staff is anticipating that the City would handle disclosure or if SunCal would provide a copy or disk for the public when submitting documents; stated there would be less room for misunderstanding if SunCal indicates a document should be disclosed at the time the document is submitted.

The Interim City Manager/Executive Director stated that she agrees it has to be the later [SunCal providing a copy or for the public]; after an operating pro forma is submitted, time is spent in negotiations addressing details, such as impact fees; the process is dynamic, not linear; negotiations are not done in a vacuum; things change; the question is what to do for updates; logistics can be challenging and need to be thought through.

Councilmember/Board Member/Commissioner Gilmore stated there are two issues going forward: what is disclosable and how is it disclosable; the community has been interested in the underpinnings of Measure B; the other issue is what prior documents SunCal will disclose, which might be more straight forward; that she assumes some of the prior documents are now static.

The Interim City Manager/Executive Director stated in some cases, the documents are now irrelevant; stated rather than staff taking the risk of defining what is and is not [confidential], SunCal should say what is and is not [confidential].

Councilmember/Board Member/Commissioner Tam stated the City needs to seek clarification on the logistics of how information is received and distributed; there needs to be critical thinking about what is in the City's best interest as it negotiates with the Navy; confusion could be created unnecessarily; an example is calculation of conveyance price.

Vice Mayor/Board Member/Commissioner deHaan stated Councilmember/Board Member/ Commissioner Gilmore asking for the static stuff [prior documents] is important; the public has asked for said information.

The Interim City Manager/Executive Director stated the letter is being provided to ensure that the Council/Board/Commission understands staff is following up and trying to get clarification about disclosure, which sounds good on the surface until digging through the details and thinking strategically; the letter is also being provided to ensure that the City is not deciding what is and what is not disclosable and confidential.

Mayor/Chair Johnson inquired whether staff plans to provide an update every two weeks, to which the Interim City Manager/Executive Director responded very short fact sheets would be provided to avoid hypothetical and incorrect assumptions.

Mayor/Chair Johnson inquired whether SunCal knows about the item being on the agenda.

The Deputy City Manager – Development Services responded staff discussed what aspects of the conversation [between SunCal and staff] would be made public; stated staff wanted to ensure that SunCal agreed about what would be reported out publicly and indicated reporting would be made to the Council and public.

Mayor/Chair Johnson inquired whether having a SunCal representative present to answer questions makes sense.

The Interim City Manager/Executive Director responded SunCal [representatives] can speak, if they want to.

Speaker: Philip Tribuzio, Alameda, submitted letter.

In response to Mr. Tribuzio's comments, Vice Mayor/Board Member/Commissioner deHaan stated the Interim City Manager/ Executive Director should be able to give an update on the City's efforts regarding America's Cup at the next Council meeting.

ORAL REPORTS

(ARRA) Oral report from Member Matarrese, Restoration Advisory Board (RAB) representative - Highlights of March 4 Alameda Point RAB Meeting

Member Matarrese discussed the highlights of the March 4 RAB meeting, including on-going remediation efforts: The Building 5 storm drain sewer lines leading up to the sea plane lagoon are being removed; the infrastructure did not match the drawings; radioactive sediments were found in a number of storm drains beyond the drains that are being removed; the Navy is opening up a new Time Critical Removal Action (TCRA). Ground water contamination clean up is being done under Building 5 using soil vapor extraction. The RAB had a long discussion about a benzene naphthalene plume under the Marina Village housing that is being remediated. He did not attend the April meeting, but would attend the May meeting.

ADJOURNMENT

There being no further business, Mayor/Chair Johnson adjourned the meeting at 11:13 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, CIC

The agenda for this meeting was posted in accordance with the Brown Act.